

Notice of Allowability	Application No.	Applicant(s)	
	10/068,426	SHAW ET AL.	
	Examiner	Art Unit	
	Maher M. Haddad	1644	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 3/23/05.
2. The allowed claim(s) is/are 67-72.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 5/24/05.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Art Unit: 1644

DETAILED ACTION

1. Applicant's amendment, filed 3/23/05, is acknowledged.

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.
3. Authorization for this Examiner's Amendment was given in a telephone interview with David Johnson on 5/24/05.

In the Claims:

4. Claims 1, 3, 5-9, 11-14, 20-22, 27, 54-56, 58-60 and 63-66 have been canceled.
5. Add claims 67-72 as follows:
 - 67. (New) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO: 5.
 68. (New) A pharmaceutical composition comprising the polypeptide of claim 67.
 69. (New) A multimeric polypeptide comprising the polypeptide of claim 67.
 70. (New) The multimeric polypeptide of claim 69, wherein said multimeric polypeptide is a dimer.
 71. (New) The polypeptide of claim 67, wherein said polypeptide consists essentially of the amino acid sequence of SEQ ID NO:5.
 72. (New) The polypeptide of claim 67, wherein said polypeptide consists of the amino acid sequence of SEQ ID NO:5.--

REASONS FOR ALLOWANCE

6. The following is an Examiner's Statement of Reasons for Allowance:

Art Unit: 1644

Claims drawn to 67-72, are allowed.

It is noted that the new claims require a polypeptide with the amino acid sequence of SEQ ID NO:5, and further specify that the polypeptide requires the amino acids 1-290 of a GPI α polypeptide and the leader sequence of 16 amino acids. The GPI α polypeptide sequence in SEQ ID NO:5 requires that the amino acids at positions 233 and 239 specify valine instead of the glycine encoded in the wild-type human sequence. Such a fusion polypeptide with these features, i.e., 290 amino acids of GPI α and the G233V and G239V substitutions, is not described or suggested in any of the cited references, i.e., Lopez et al., PNAS 84:5615-19, 1987, Miura et al., J. Biol. Chem. 275:7539-46, 1995, or US Pat. Nos. 6,277,975; 6,177, 059; or 5,340,727. Accordingly, the prior art does not teach or suggest the polypeptide comprising SEQ ID NO: 5, a pharmaceutical composition thereof and a multimeric polypeptide thereof recited in claim 67-72.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maher Haddad whose telephone number is (571) 272-0845. The examiner can normally be reached Monday through Friday from 7:30 am to 4:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 24, 2005


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